

d.) Remarks

Claims 1-24, 31-33, and 35-42 are pending in this application. Claims 1, 21, 22, and 31-33 have been amended in various particulars as indicated hereinabove. Claims 25-30 and 34 have been cancelled without prejudice or disclaimer. New Claims 35-42 have been added to alternatively define Applicants' invention.

Concerning the pending Notice of Non-Compliant Amendment, the "withdrawn" status identifier is now used for claims 2-20, as instructed

The specification, claims, and the abstract of the application have been amended correct grammar and other formal matters. Applicants thank Examiner for the helpful suggestions.

Claims 1, 21, and 31 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 17, 45-47 of copending Application No. 10/331,108 (U.S. Patent Application Publication US2004/0125442 A1) in view of Piestrup *et al.* (U.S. Patent No. 6,269,145). Applicants request to defer resolution of this matter until allowable subject matter is identified in this application. Applicants note the issuance of the 10/331,108 into U.S. Pat. No. 7,119,953.

Claims 1, 21-24, and 31-34 were rejected under 35 U.S.C. 102(b) as being anticipated by Piestrup *et al.* This rejection is respectfully traversed for the following reasons.

Claim 1 now requires forming a first optical element and a zone plate lens element on a common substrate.

The Piestrup patent does not show a zone plate lens on a common substrate with another optical element.

In a somewhat similar vein, claim 21 requires forming a second optical element on a substrate, with a first optical element, by reference to a fiducial mark.

The Peistrup patent does not show two elements on a common substrate, where the second element was formed using a fiducial mark.

Thus, Applicants request withdrawal of the rejection.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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